

The following is a summary of comments received during the public review period associated with the 2205 update of the Shoreline Management Plan for Barren River, Rough River, and Nolin River Lakes. Each comment is followed by our response. In those instances where a comment warrants a change in the SMP, an explanation of the change is also provided. Comments have been grouped according to subject.

Zoning

Comment: Requests for rezoning from protected shoreline to limited development on east side of Panther Creek, Cave Springs area, Tules Creek, and at Whippoorwill Cove on Rough River Lake, as well as an area on Nolin River Lake.

Response: Protected shoreline is essential to maintain aesthetic features, fish and wildlife habitat, and to protect specific resources or environmental features. No changes from Protected to Limited Development have been allowed since September 2000. Under the proposed SMP, an *exchange* of zoning between Protected and Limited Development is allowed *if* it results in a net gain of protected shoreline that provides a greater value to natural resource management.

Comment: Request for rezoning from Protected to Limited Development along Elm Hill at Rough River Lake.

Response: This proposal may meet the criteria for an exchange of zoning between Protected and Limited Development and will be evaluated.

Comment: Concern that new shoreline zoning along Holiday Rough Subdivision (Rough River Lake) precludes the placement of a boat dock.

Response: Zoning in this area has not changed for at least 10 years and there are no zoning changes in the new version of the SMP. Individual may be eligible for a boat dock permit in the vicinity, along with a pathway for access to the dock. Individual is encouraged to contact the Corps office at Rough River Lake once the moratorium on new permits is lifted.

Comment: Positive response on the proposal to allow an exchange between Protected Shoreline and Limited Development Shoreline when it results in a net gain of protected shoreline that provides a greater value to natural resource management.

Response: This language was written in such a way as to give an objective measure (linear footage) of the proposed request, rather than relying on interpretation or opinion. If a situation arises which is not covered by the proposed language, the Corps will consider modifying the language during the next update of the SMP.

Comment: Objection to proposal to re-zone coves #2 and #3 at Barren River Lake from Limited Development to Protected Shoreline.

Response: Cove #3 is adjacent to U.S. Highway 31E bridge and is used by the public as an undeveloped swimming area with high usage on weekends. Boat docks, and the increased boat traffic associated with them poses a safety risk to swimmers. Area #3 will be rezoned to Protected Shoreline. Cove #2 will be allowed to remain as a Limited Development Area, and the SMP map will be revised accordingly. It's suitability for the placement of boat docks will be evaluated on a case by case basis, consistent with our routine permit application process.

Navigational Buoys

Comment: Change of navigational buoys along Cave Creek at Rough River Lake to extend "no wake zones".

Response: Navigational buoys are not regulated by the SMP. However, the request will be reviewed by our staff at Rough River Lake in cooperation with the Kentucky Department of Fish and Wildlife Resources.

Boat Lifts Along Protected Shoreline

Comment: Request to modify grandfathered boat docks along Protected Shoreline to add boat lifts.

Response: Areas of Protected Shoreline have been designated as such to maintain aesthetic features and to protect specific resources and environmental features. Because there were a limited number of group docks in some of these areas when the shoreline at Rough River Lake was initially zoned, the existing structures were grandfathered. The original intent was to maintain those segments of shoreline in as natural a setting as possible. While a grandfathered dock by itself tends to blend with the natural settings in these areas, especially when viewed from a distance, a boat sitting above the water creates a more substantial visual impact. In order to minimize the impact on aesthetic features in these areas, boat lifts cannot be considered.

Unimproved Pathways

Comment: The SMP limits the width of unimproved pathways to five (5) feet. Request by one property owner to merge his permitted pathway with his neighbor's to create a ten (10) foot pathway.

Response: The purpose of limiting the pathways to five (5) feet is to minimize the impact on natural resources. Unless there is a potential safety issue that cannot be otherwise resolved, the total width of an unimproved pathway cannot exceed five (5) feet.

Comment: Expressed interest in plans for pathways to the shoreline in vicinity of B&W Subdivision at Nolin Lake. Existing dirt path with exposed rock and unsafe surface.

Response: It appears that this area is zoned as Limited Development and individual may be eligible for an improved pathway. Individual was asked to contact the Nolin River Lake office once the moratorium on license applications is lifted.

Improved Pathways

Comment: The conditions on maximum length of pathways, stairways, landings and steps are not clear and should be revised to specify that the limitations on length apply only to that portion located on Government land.

Response: The SMP will be revised to specify that limitations on the length of pathways, stairways, landings and steps pertains only to that portion located on Government land.

Comment: Length of existing steps exceeds the maximum length allowed in the SMP due to steep slope from the “red” line to the dock. Property owner utilizing a neighbors steps (which exceed the maximum allowed length) is concerned that he will lose access to the shoreline if his neighbor sells his property and the existing steps are not grandfathered.

Response: Existing pathways, stairways, landings, and steps that exceed the maximum length allowed under the SMP will be grandfathered to current and future owners.

Vegetation Alteration

Comment: Individual would like to clear growth less than 2 inches in diameter to enhance view of the lake from a cabin.

Response: Allowing indiscriminate clearing of vegetation would be contrary to our responsibility to protect the natural resources surrounding our lakes. Such activity would be detrimental to the overall health of the forested land, wildlife, and to the aesthetic value of this land to lake visitors.

Boat Dock Location Locations

Comment: Concern was expressed that a boat dock was allowed that violates the 500’ spacing requirement set forth in the SMP and that the location of the dock creates difficult and dangerous access to another dock.

Response: An SMP team is reviewing the situation.

Comment: Expressed concern that a boat dock permit was denied because all available dock locations and slips were full when one landowner has two permitted slips.

Response: Prior to the 2000 SMP, applicants were allowed two boat slips per property unit or household, and the permits for those slips were grandfathered. Once the SMP is approved and the moratorium is lifted, an SMP team will review this particular situation.

Comment: Request for assistance in determining whether or not there is room along the shoreline for an additional boat dock in accordance with the provisions of the SMP.

Response: A site visit will be arranged to assess the location and availability of dock space.

Structural Guidelines for Boat Docks

Comment: Comments were received on the positive and negative aspects of using screws instead of nails to secure deck boards, and concern over the new hinge design.

Response: The SMP has been revised to allow use of spiral nails or screws. The hinge design incorporated into this SMP has been in use as an alternate design at Rough River and Nolin River Lakes and is considered a better design than the old eye bolt design and is expected to minimize the amount of maintenance required.

Comment: Comment received that the environment will cause rust and corrosion that will freeze up the pin on the new hinge design and make it hard to drive out.

Response: Some hardware corrodes over time, even if it is galvanized or plated. The new hinge design will not cause or hasten this process.

Comment: Positive comment on the Corps' efforts to manage the shoreline and the natural setting surrounding Rough River Lake. Concern over the cutting of trees on adjacent property and the possibility of more boat docks along the shoreline.

Response: The Government has no control over the cutting of trees on private property. Vegetation alteration permits are issued to qualified landowners for the removal of *select* vegetation in accordance with the provisions of the SMP. The Corps' goal is to apply the rules and regulations of the SMP fairly and equitably for the benefit of all adjacent landowners and the public, to protect natural resources, and to preserve the natural features of the shoreline to the greatest extent possible. Property owners who qualify may be issued a boat dock permit.

Comment: Open space on the dock (no finger between two boats owned by separate individuals) creates a liability since one boat can be hit and damaged when the other is leaving the dock.

Response: After careful consideration, the SMP is being revised with the following language: “In instances where a dock has been configured so that a boat is not afforded protection on each side (such as a ‘U’ formed from two ‘L’ shaped slips facing opposite direction, or an end slip with no finger on the outside), the Park Manager may allow one affected individual on that community dock to install an additional finger to afford this protection to each boat. The main dock section and fingers involved must be constructed in accordance with current regulations and current policy. Grandfathered facilities, such as roof section (including those that have one main dock section and two fingers), and T-docks that have one main dock with the finger section in the middle (two slips) must be brought into compliance with current regulations and current policy prior to installation of this additional finger.”

Installation of this additional finger is an option. Construction and installation will be the responsibility of the individual making the request. Two affected slip holders may share the cost if they choose, but the Government will not get involved in financial arrangements between the slip holders.

Comment: Boat lifts are limited to 21 feet and comment was received that this limitation is outdated and should be changed to allow lifts up to 24 feet.

Response: The decision to limit boat lifts to 21 feet in length was based on the maximum finger length of 20 feet. These limits minimize the protrusion of the structure into the navigable portion of the cove or channel. The extra footage extending past the end of the finger is considered a hazard to boats passing in front of the dock and to people diving off the dock when the lift is underwater. This may limit the length of boats a lift can accommodate, but our primary concern is public safety.

After the close of the public review period, the Corps determined that two additional changes to the SMP were warranted in order to provide greater stability to walkways on permitted boat docks. These changes are “*optional*”, but recommended.

1. Mid walkway flotation is *now optional*. If installed, its position on the walkway may vary, depending on site conditions. Drawing 3 of 7 in Appendix H has been revised accordingly.
2. A center stringer or support is *now optional* on walkways. Drawing 3 of 7 in Appendix H has been revised accordingly.

Personal Property Left Unattended on Permitted Boat Docks

Comment: The SMP specifies that personal property such as chairs, table, umbrellas, etc. cannot be left on Government property or on docks unless in use at the time. The comment received was that this language is too vague and that it could be a problem to anyone who leaves the area for a short period of time. It was suggested that the language be revised to require that all personal property be removed by the end of each day.

Response: To minimize visual impact and to prevent such items from becoming inadvertent debris in the lake, personal property should be placed in an approved storage locker on the dock or boat, or removed from Government property. The Corps' intent is to place reasonable limits on the length of time that these items remain in place when not in use. The new language allows the Corps' to place reasonable limits on those abusing the conditions of their dock permit when such property has obviously been left unattended or unused on a dock, or on the shoreline, for several days or weeks.

Comment: The SMP prohibits the mooring of inflatable items (such as water trampolines) at permitted boat docks. Title 36 limits moorings at boat docks to a vessel or watercraft and "...any other such equipment capable of navigation on water...." A comment was received that challenges that a water trampoline floats and can be navigated on water and therefore qualifies as a vessel. The individual contends that as such, he should be allowed to moor a water trampoline at his boat dock.

Response: The Corps does not consider water trampolines or other sorts of water toys to be vessels, and the Commonwealth of Kentucky confirmed that they would not consider such a device a boat or vessel. In addition to environmental protection, the Corps also strives to protect aesthetic values and sustain natural conditions along the shoreline. The District consensus is that mooring of water trampolines or other large water toys at docks is contrary to these objectives.

Special Access Provisions for Mobility Impairments

Comment: Individuals are hesitant to apply for handicapped vehicle tag in order to qualify for a cart path license under the SMP.

Response: A State handicapped vehicle tag is not required in order to qualify for a cart path license under the conditions of the SMP. Applicants need only to provide documentation of an impairment that makes it difficult for them to access the shoreline on foot.

Comment: Other family members and friends who visit are also unable to walk to the boat dock due to various health problems. Requiring them to obtain a permit seems unnecessary and requiring that the qualifying individual be on board the conveyance at all times when in use is a hardship.

Response: Language in the SMP is being revised to read "Authorized conveyances may be used to transport the individual with the documented mobility impairment and for activities directly associated with that individual's use of permitted or licensed facilities." This will allow more flexibility for landowners to meet the needs of impaired members of their households and guests, while still allowing the Government a measure of control to prevent abuse of the program, which could jeopardize its continued availability.

Comment: It seems extremely unfair to revoke someone's license for a cart path because someone else violates the rules.

Comment: If one party breaks the rules about driving on the path with out the mobility impaired person on board the conveyance, the whole group could suffer.

Response: Revoking a license would only be considered if other measures to correct a violation were unsuccessful. Corrective actions will be directed towards the individual(s) who violates the provisions of the license. Termination of a license would be a last resort.

Comment: Any dock slip owner should be able to use the cart path with no restrictions.

Response: Unimpaired members of the group dock may walk on that portion of the licensed path on Government property without restriction. With the high number of docks around each of the three (3) lakes, there could conceivably be hundreds of golf carts parked along the shoreline. Allowing unrestricted use of motorized conveyances by all members of the docks would compromise the environmental and aesthetic qualities we are trying to preserve and the risks associated with cart use would escalate to the point that we would have to reconsider the use of carts altogether.

Comment: All senior citizens should be allowed to use designated cart paths without having to obtain a permit and without documentation of an impairment.

Response: The Corps recognizes that our aging population does have special needs, but we each reach the point that we need this special assistance at different points in our lives. A State handicapped vehicle tag is not required in order to qualify for a cart path license under the conditions of the SMP, nor does a doctor need to provide a statement of a general disability. Documentation of a physical condition that makes navigating steep or irregular terrain difficult is sufficient. Allowing everyone who is a senior citizen or has a member of his/her household who is a senior citizen would soon result in an excessive number of cart paths. In order to protect the natural resources along the shoreline, and to insure that our program to provide this convenience is preserved, we must implement controls to minimize the number of cart paths.

Process for Approval of the Shoreline Management Plan

Comment: Inquiry about the process the SMP will go through prior to final approval.

Response: All comments are evaluated and personal responses are prepared to each individual who submits a comment. Those responses are coordinated with our District and Division staff. Suggested changes that do not conflict with the purpose and policy of the shoreline management program are incorporated into the final version of the SMP which is then approved by the Division Commander for the Great Lakes and Rivers Division.

Moratorium on Accepting Applications for Boat Dock Permits and License Applications

Comment: Objection from a land developer on the moratorium in effect until approval of the revised SMP.

Response: Moratorium is essential to avoid conflicts that may arise because of differing requirements between the old and new provisions of the SMP, and to ensure that all potential permit and/or license applicants are treated equally. The Corps is taking steps to minimize the length of the moratorium period.